

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HARVEY P. SHORT, Petitioner	: : : : : : :	CIVIL ACTION NO. 13-2236
vs.		
DANIEL P. BURNS, et al., Respondents		

ORDER

AND NOW, this 17th day of December, 2013, upon careful and independent consideration of the petition for writ of *habeas corpus* (Document #1), and after review of the thorough and well-reasoned Report and Recommendation of United States Magistrate Judge Timothy R. Rice (Document #18), IT IS HEREBY ORDERED that:

1. The petitioner's objections (Document #23) are OVERRULED.
2. The Report and Recommendation is APPROVED and ADOPTED.
3. The petition for writ of *habeas corpus* is DISMISSED without prejudice.
4. The petitioner's motion for the issuance of a subpoena *duces tecum* (Documents #14 and #15) is DENIED.¹
5. The petitioner's motion for the production of mental health records (Document #20) is DENIED.
6. There is no probable cause to issue a certificate of appealability.
7. The Clerk of Court is directed to mark this case CLOSED for all purposes.

BY THE COURT:

/s/ Lawrence F. Stengel
LAWRENCE F. STENGEL, J.

¹ Because I am dismissing it without prejudice as unexhausted, I find that the requested documents and mental health records are unnecessary to the disposition of this petition. Accordingly, I will deny both motions.